

1 registered, or permitted to practice osteopathic medicine in the State of Arizona.

2 2. Respondent is the holder of License No. 1441 issued by the Board for the practice
3 of osteopathic medicine in the State of Arizona.

4 **FINDINGS OF FACT**

5 1. On or around June 30, 2005 the Board received information that the Respondent
6 had purchased a quantity of *Botulinum Neurotoxin Type A*, which is manufactured by Toxin
7 Research International ("TRI"), as an alternative to *Botox*, which is produced by Allergan Inc.,
8 and the only FDA-approved and licensed Botulinum Toxin Type A medical product in the
9 United States.

10 2. The record and the Respondent's testimony during the Investigative Hearing
11 indicate the following:

- 12 (a) In February 2004, the Respondent attended a two-day hands on training course in
13 the administration of Botox and dermal fillers.
- 14 (b) In May 2004, the Respondent attended another hands on training course in the
15 administration of Botox and dermal fillers.
- 16 (c) In June 2004, he began operating P'L Medical and Laser Skin Care.
- 17 (d) In June or July of 2004, Dr. Bray states he received a solicitation to purchase
18 Botulinum Neurotoxin Type A from Toxin Research International, Inc of Tucson,
AZ. Dr Bray states he purchased one vial (500 IU) in late July 2004 for use in
training and hands on experience.
- 19 (e) Dr. Bray states it was stated on the literature and he believes on the vials that it
20 was not for human use but it was inferred that it was used for research purposes
and testimonials in the literature inferred that it was the equivalent of Botox.
- 21 (f) Bray states that specific medical records concerning lot numbers and expiration
22 dates are not known but that he and his partner reconstructed from memory the
following:
- 23 (g) In July 2004, Botulinum Neurotoxin Type A was injected in his partner, himself,
24 his partner's wife, and staff members.
- 25 (h) In September 2004, Dr. Bray ordered two more vials of Botulinum Neurotoxin
Type A and re-injected the same people.

- 1 (i) In October 2004 his partner's wife received injections (trigger points in the
2 occipital and temporal area for headaches) from the vial purchased in September.
- 3 (j) In November 2004, Dr. Bray, his partner, staff members, and Dr. Bray's son and
4 daughters in law received injections.
- 5 (k) Dr. Bray states that the last two vials were not used. He states that all vials were
6 disposed of by incinerated biomedical waste protocol.
- 7 (l) Dr. Bray did not keep appropriate medical records for those patients injected with
8 the Botulinum Type A toxin.

9 CONCLUSIONS OF LAW

10 1. The conduct described in Findings of Fact 1 through 2 herein constitutes
11 unprofessional conduct as defined at A.R.S. § 32-1854 (21) (a), which states, "Failing or refusing
12 to establish and maintain adequate records on a patient as follows: If the patient is an adult, for at
13 least seven years after the last date the licensee provided the patient with medical or health care
14 services."

15 2. The conduct described in Findings of Fact 1 through 2 herein constitutes
16 unprofessional conduct as defined at A.R.S. § 32-1854 (6), "Engaging in the practice of medicine
17 in a manner that harms or may harm a patient or that the board determines falls below the
18 community standard.."

19 3. The conduct described in Findings of Fact 1 through 3 herein constitutes
20 unprofessional conduct as defined at A.R.S. § 32-1854 (38), "Any conduct or practice that
21 endangers a patient's or the public's health or may reasonably be expected to do so."

22 ORDER

23 Pursuant to the authority vested in the Board,

24 1. **IT IS HEREBY ORDERED** that J. Kent Bray, D.O. Holder of Osteopathic
25 medical license number 1441, is issued a **DECREE OF CENSURE** pursuant to the provisions
of A.R.S. § 32-1855 (E)(4).



ISSUED THIS 19TH DAY OF JULY 2006.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS

By: _____

Jack Confer, Executive Director

NOTICE OF RIGHT TO REQUEST REVIEW OR REHEARING

You have the right to request a rehearing or review of this matter pursuant to A.R.S. § 41-1092.09. The request for rehearing or review must be filed with the Arizona Board of Osteopathic Examiners within thirty (30) days. If you request a review or rehearing, you must base your request on at least one of the eight grounds for review or rehearing that are allowed under A.A.C. R4-22-106(D). Failure to file a motion for rehearing or review within 30 days has the effect of prohibiting you from seeking judicial review of the Board's decision in the AZ Courts.

Original "Findings of Fact, Conclusions of Law and Order for Decree of Censure" filed this 19th day of July, 2006 with the:

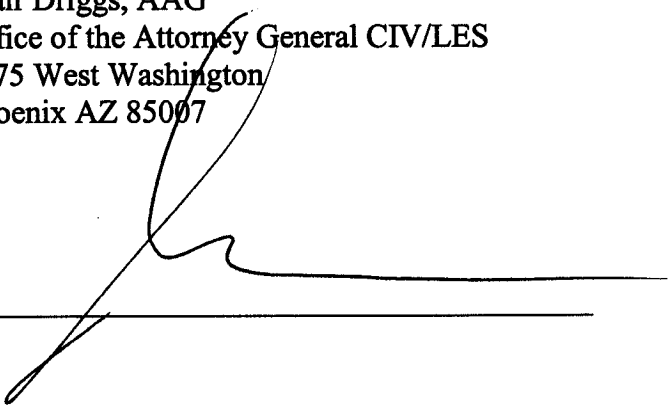
Arizona Board of Osteopathic Examiners
In Medicine and Surgery
9535 East Doubletree Ranch Road
Scottsdale AZ 85258-5539

Copy of the foregoing "Findings of Fact, Conclusions of Law and Order for Decree of Censure" send by certified mail, return receipt requested this 19th day of July, 2006 to:

J. Kent Bray, D.O.
1950 S Country Club Dr
Mesa, AZ 85210

Copies of the foregoing "Findings of Fact, Conclusions of Law and Order for Decree of Censure" sent via regular mail this 19th day of July, 2006 to:

Blair Driggs, AAG
Office of the Attorney General CIV/LES
1275 West Washington
Phoenix AZ 85007



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